



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

75 Hawthorne Street
San Francisco, CA 94105

Via U.S. Postal Service and Electronic Mail
Certified Mail Receipt No. 7008 1830 0002 6279 5325
Return Receipt Requested

April 5, 2011

Mr. Mike Barr
Aspire Public Schools
1001 22nd Avenue, Suite 100
Oakland, CA 94606

Re: Aspire Public School, 1009 66th Avenue, Oakland, California – USEPA November 13, 2009 Approval of Polychlorinated Biphenyls' Cleanup Notification Under Toxic Substances Control Act – Request for Cap Modification

Dear Mr. Barr:

We appreciate Ron Goloubow's (Arcadis) March 31, 2011 letter¹ requesting on behalf of College for Certain, LLC a modification to the cap for soils contaminated with polychlorinated biphenyls (PCBs) required under the Toxic Substances Control Act (TSCA) regulations in 40 CFR 761.61(a)(7). On November 13, 2009, the U.S. Environmental Protection Agency, Region 9 (USEPA) approved with conditions the October 23, 2009 "*Toxic Substances Control Act Self-Implementing Cleanup Notification and Certification Former Pacific Electric Motors Facility 1009 66th Avenue in Oakland, California*" (Notification) prepared by Arcadis for Aspire Public Schools. That approval under 40 CFR 761.61(a) (self-implementing PCB cleanup) requires a cap be constructed at the entire Aspire site consistent with the requirements in 40 CFR 761.61(a)(7) for a concrete cap. Such a cap is required to be 6 inches thick.

In the attached letter, Arcadis is proposing a modified design for the rat slabs over which the schools modular buildings will be installed. These modified rat slabs are proposed as an alternate cap design for the portion of the site where the modular buildings will be located and such proposed cap differs from the concrete cap required in 40 CFR 761.61(a)(7). The proposed alternate cap (modified rat slab) is a 6-inch-layered cap that will be constructed atop 18-inches of cement-treated native soil contaminated with residual PCB levels. The 18-inch soil layer is underlain by native soils. The proposed alternate cap consists of a 4-inch thick layer of imported base rock atop the 18-inch cement treated soils and a 2-inch thick Portland cement concrete layer atop the base rock layer.

The purpose of the cap is to prevent exposure of human and ecological receptors to soils with residual PCB contamination. The 6-inch concrete cap approved on November 13, 2009 is a mitigation measure for soils at the site with residual PCB levels of 0.13 mg/kg (cleanup level) and levels of PCBs below 3 mg/kg in two specific areas of the site where the cleanup level could not be achieved. The modified cap will prevent receptor exposure

¹ Letter from Ron Goloubow (Arcadis) dated March 31, 2011 (Subject: "Proposed Toxic Substances Control (TSCA) Cap for Modular Buildings – Former Pacific Electric Motors Facility, 1009 66th Avenue, Oakland, California") to Carmen Santos (USEPA Region 9).

Mike Barr

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to residual PCBs in soils since all soils at the Aspire site will be capped and no soils will be left exposed. Rain water infiltration should be minimal through the upper 2-inch concrete layer of the cap.

We are approving the proposed design for the alternate cap (modified rat slab) under the TSCA regulations in 40 CFR 761.61(c) (risk-based cleanup option). We believe this alternate cap is still protective of human health and the environment provided that required maintenance and repairs are conducted as required in Condition 9 of the November 13, 2009 approval. The rat slab is a portion of the site-wide cap required for the Aspire site in USEPA's November 13, 2009 conditional approval of the October 23, 2009 Notification of PCB cleanup at the Aspire site. This approval modifies a portion of the site-wide cap required in Condition 8 of USEPA's November 13, 2009 letter. This approval does not modify Condition 9 in USEPA's November 13, 2009 Notification approval that requires maintenance and repair of the cap in perpetuity. The requirements in Condition 9 are equivalent and consistent with the requirements in 40 CFR 761.61(a)(8).

We look forward to being of assistance to College for Certain LLC during implementation of the work remaining in the Notification as modified by the conditions of approval, construction of the rat slab, and review of future modifications that College for Certain, LLC may propose to portions of the cap not addressed in this modification of USEPA's November 13, 2009 approval letter. Please call Carmen Santos of my staff at 415.972.3360 if you have any questions concerning this letter.

Sincerely,



for Jeff Scott, Director
Waste Management Division

Enclosures (1)

Cc: Ron Goloubow, Arcadis
Michael Rueda, Pacific Charter School Development
Arlene Kabei, USEPA R9
Steve Armann, USEPA R9
Carmen Santos, USEPA R9